

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SAMUEL BARROW,	:	
Plaintiff/Counterclaim Defendant,	:	
vs.	:	
		Case No. 3:08cv0033
GENERAL MOTORS CORPORATION,	:	
Defendant.	:	District Judge Thomas M. Rose Magistrate Judge Sharon L. Ovington
vs.	:	
HARCO INDUSTRIES, INC., <i>et al.</i> ,	:	
Defendants/Counterclaimants.	:	

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**DECISION AND ENTRY**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #25), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that Plaintiff has filed a Motion to Dismiss Count V of the Complaint (Doc. #27) – as the Report likewise recommended – hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on October 15, 2008 (Doc. #25) is ADOPTED in full and the Motion of All Defendants for Judgment on the Pleadings as to Count V of the Complaint (Doc. #22) is GRANTED;
2. Plaintiff's Motion to Approve Agreed Dismissal of Count V of the Complaint (Doc. #27) is GRANTED; and

3. Count V of Plaintiff's Complaint is DISMISSED with prejudice.

October 28, 2008

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge